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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,648	01/11/2002	Phillip J. Edwards	4189-PA4	9386

7590                    06/19/2003

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[REDACTED] EXAMINER

LIN, TINA M

[REDACTED] ART UNIT

[REDACTED] PAPER NUMBER

2874

DATE MAILED: 06/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Offic Action Summary	Application No. 10/044,648	Applicant(s) EDWARDS ET AL.
	Examiner Tina M Lin	Art Unit 2874

-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1)  Responsive to communication(s) filed on \_\_\_\_ .

2a)  This action is **FINAL**.                  2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

- 4)  Claim(s) 1-29 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-29 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## **Application Papers**

- 9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 11 January 2002 is/are: a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12)  The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a)  The translation of the foreign language provisional application has been received.

15)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.  
4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_.

### **DETAILED ACTION**

The disclosure is objected to because of the following informalities: On page 2 Line 17, in the “BACKGROUND OF THE INVENTION”, the word “ageing” is misspelled. The correct spelling should be “aging.” Also, in claim 11, the word “aratus” appears to be a typographical error. The Examiner has examined claim 11 as if the word “aratus” was deleted. Appropriate correction is required. Further, Applicant’s cooperation is requested in correcting any other errors of which applicant may become aware of in the specification.

New corrected drawings are required in this application because: The drawings filed with this application on 11 January 2002, are objected to as being informal. Notice that all the figures do not have clear defined black lines and are hand drawn. Further, the labels on the figures and the figure numbers are handwritten. Correction is required in response to this office action. Applicant is advised to employ the services of a competent patent draftsperson outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 10-12, 20-22, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,374,021 B1 to Nakanishi et al and in further view of U.S. Patent 5,787,215 to Kuhara et al. and U.S. Patent 5,696,862 to Hauer et al. Nakanishi et al. discloses a laser (light source) modulated by a driver circuit, a monitor diode that monitors the output of the laser, a lens system positioned to receive light, a light-transmitting window and an optical fiber end. But, Nakanishi et al. fails to disclose a light reflecting surface positioned to reflect a portion of the light beam onto a monitor diode. However, Nakanishi does disclose a monitoring diode that monitors the output of the light source laser. (Column 3, 4 and Figure 5) Although Nakanishi does not specifically disclose an additional light-reflecting surface to reflect a portion of the light onto the monitor diode, Kuhara et al. disclose a laser diode system where a reflection mirror is part of the laser diode system to reflect a portion of the light to a monitoring diode. (Column 34) Furthermore, Hauer et al. discloses a separate sidewall that is silvered to reflect a portion of the signal into the monitoring diode after reflections. (Column 4) Although Hauer et al. does not disclose the silvered wall to be part of an optical element, Kuhara et al. does disclose a reflection element to be part of an optical element, such as a reflection mirror film. Since Nakanishi et al., Kuhara et al. and Hauer et al. are all from the same field of endeavor, the purpose and method of reflecting a light beam to a monitoring diode disclosed by Kuhara et al. and Hauer et al. would have been recognized in the pertinent art of Nakanishi et al. Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to have reflected a portion of the light beam to the monitoring diode through a light-reflecting surface for the purpose of monitoring the current and light.

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Claims 2-9, 13-19 and 23-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,374,021 B1 to Nakanishi et al and in view of U.S. Patent 5,787,215 to Kuhara et al. and U.S. Patent 5,696,862 to Hauer et al. and in further view of U.S. Patent Application 2003/0053222 A1 to Togami et al. Nakanishi et al., Kuhara et al. and Hauer et al. disclose discussed above, but fails to disclose a lens, which is a focusing curved lens adjacent to the light source, another lens, which is planar adjacent to the light terminal where the lens adjacent to the light source provides more optical power than the one adjacent to the light terminal and the second lens to be a molded plastic lens. However, Togami et al. does disclose an optical assembly with multiple lenses. One of the lenses is positioned adjacent of the light source, another positioned adjacent of the photodiode and another positioned adjacent of the light terminal. Furthermore, Togami et al. discloses the lens adjacent to the light source to be a collimating lens, also known as a focusing lens and for the lenses to have curved surfaces and that the lenses are made of molded plastic. Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to have placed a lens adjacent to the light source, photodiode and light terminal in order to control, focus and direct the light beams more efficiently. (Figure 4 and 5)

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. References B-E and H all discuss optical apparatuses with a light source monitoring device and/or lens materials.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any

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evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tina M Lin whose telephone number is (703) 305-1959. The examiner can normally be reached on Monday-Friday 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on (703) 308-4819. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

TML *TML*  
June 11, 2003

*John D. Lee*  
John D. Lee  
Primary Examiner